NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity)	Docket No. 1442.033B

In Re Application Of: **Gardenier, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/621,749	July 17, 2003	PHILLIPS, Charles E.	23405	3751	1803

Invention: **SOUND SYSTEM AND A HEAD REST FOR A SPA AND A SPA HAVING A SOUND SYSTEM**

COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **September 19, 2007** finally rejecting Claim(s) **65-66, 68-70, 74, 77, 80 and 92-94.**

Applicant is a small entity under 37 CFR 1.9 and 1.27.

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for this Notice of Appeal is: **$255.00**

☐ A check in the amount of the fee is enclosed.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **081935**

☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Signature

Dated: **February 18, 2008**

John Pietrangelo
Agent for Applicant; Registration No.: 39,331

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